

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

Richard Katz

Plaintiff

Case No.: **3:15-cv-01187**

v.

NATIONAL BOARD OF MEDICAL EXAMINERS (NBME)

3750 Market Street

Philadelphia, PA 19104

and

FEDERATION OF STATE MEDICAL BOARDS (FSMB)

400 Fuller Wiser Road, Suite 300

Euless, Texas 76039-3855

Defendants

**Plaintiff's Objection to Defendant's Proposed Subpoena for
Production of Medical Records**

Pro se plaintiff Richard Katz (herein Katz) in the underlying action objects to defendants National Board of Medical Examiners and Federation of State Medical Boards proposal of subpoenas for production of medical and educational records.

On January 19th, 2016 Katz received an email from Michael Sacks Counsel for defendants informing him that he intends to serve subpoenas on January 25, 2016 to the following individuals and entities:

- Holtz Psychological
- Dr. David Kreditor
- Samuel Lupardo
- SUNY Old Westbury
- New School (Parsons)
- Pocono Medical Center
- The ReDCo Group
- The Aaron Center
- St. John's University
- St. John's University (Counseling)
- St. Joseph's College
- St. Joseph's College (Counseling)
- The Center for Emotional Care
- Dr. Ubaldo Leli

Katz hereby objects to the proposed subpoenas on the grounds that it seeks irrelevant and privileged information, that the information it seeks is overbroad, that it seeks information that could be used to invade Katz's privacy and safety. The defendants do not have carte blanche to have their way with, sniffing through or attempting to defile Katz's medical and/or educational records. Many of the above individuals and entities are either so far removed from the current issues at hand (by a decade or more), have no, or never had any bearing on this case at all.

The defendants have gone on a 'fishing expedition' in an attempt to ascertain information that is not relevant. All relevant documentation in this case is readily accessible to defendants and is categorized in the Court Docket. Medical records from those listed above are already obtainable to defendants, otherwise are of no consequence to this case.

As of today, I am aware that the defendants have spoken by phone to at least one of the individuals listed above asking questions like; "if they would agree to service of subpoena via regular mail." *The defendants have displayed overreaching tactics.*

The subpoena commands the custodian of records to appear at the hearing with the following documents:

"Your complete file of medical, psychiatric and/or psychological records pertaining to Richard Katz, d/o/b 3/16/70, s.s. no. 000-00-0000 (s.s. no. omitted by Katz here but displayed by defendants in actual proposed subpoena), including intake forms, assessments, psychological testing, diagnoses, consultations, evaluations, treatment notes, referrals, prescriptions, correspondence, and all other inpatient or outpatient records."

The defendants took the liberty of advertising Katz's Name, Social Security number and Date of Birth on the actual subpoenas. Subsequently, Katz has safety concerns due to such careless disregard of his personal information.

STATEMENT OF THE CASE:

This is a disability access and discrimination case alleging that there is an administrative barrier and discriminatory policies at the National Board of Medical Examiners and the Federation of State Medical Boards. NBME and FSMB own and sponsor the United States Medical Licensing Examination® ("USMLE"), a standardized examination that is used in evaluating applicants for medical licensure in the United States and its territories. The USMLE Organization's primary place of business is in Philadelphia, PA. Katz is an individual with a disability. This barrier denies full and equal access to in violation of the Americans with Disabilities Act ("ADA").

Katz filed his original Complaint in this Court on June 18, 2015. He amended his complaint on August 12th, 2015. The defendants answer was submitted to this Court on August 28th, 2015. Katz traversed the defendants answer on September 8th, 2015. On 11/17/2015 Katz submitted to this Court a Second Amended Complaint that awaits ruling by The Honorable Joseph Saporito Jr.

ARGUMENT:

"The subpoena power is a substantial delegation of authority to private parties, and those who invoke it have a grave responsibility to ensure it is not abused." *Theofel v. Farey-Jones*, 359 F.3d 1066, 1074 (9th Cir. 2004).

When the power is misused, public confidence in the integrity of the judicial process is eroded. Therefore, the failure to [abide by the rules] also cause[s] injury to the public. *Spencer v. Steinman*, 179 F.R.D. 484, 489 (E.D. Pa. 1998) (internal citations and quotations omitted).

THE DOCUMENTS AND ITEMS REQUESTED IN THE PROPOSED SUBPOENA CONTAIN IRRELEVANT AND PRIVILEGED MATTER, AND PERSONAL DEMOGRAPHIC/IDENTIFIERS, THE PRODUCTION OF WHICH WILL COMPROMISE KATZ'S SAFETY AND PRIVACY.

CONCLUSION:

For the reasons stated above, Katz objects to the defendants proposed subpoena for production of medical records.

Respectfully submitted,
Richard Katz
3364 Parker Lane
East Stroudsburg, PA
18301
pro se

/s/ Richard Katz_____

Richard Katz

Dated: January 19th, 2016

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served upon:

Michael Sacks
Hamburg & Golden, P.C.
1601 Market Street Suite 3310
Philadelphia PA 19103-1443

Date: January 19th, 2016

/s/ Richard Katz
Richard Katz